IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.25613 of 1997
DATED 2-3-2007

BETWEEN
V.Neelam

.. Petitioner

And

The Depot Manager,
APSRTC, Palakonda,
Srikakulam.

.. Respondents

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.25613 of 1997

ORDER:

Questioning the action of the respondents in not reinstating him as Conductor in the APSRTC, Srikakulam Division, the petitioner has approached this Court.

The earlier dispute, which resulted in his disengagement and consequent reinstatement, need not be gone into since the controversy is limited to the question whether the petitioner had produced a genuine school certificate to be taken back into duty as a Conductor. Respondents would, however, admit that other conductors who were disengaged from service on the ground that their educational certificates were found not genuine, had approached this Court and pursuant to the orders of this Court, eight of those whose names are detailed in paragraph 7 of the counter affidavit, had requested that their services be absorbed as conductors, as they had later passed the VIII class examination. Respondents would state that, after obtaining approval of the Vice-Chairman and Managing Director on 31.8.1991, they were engaged in the services of the Corporation. According to the respondents, the petitioner's case could not be considered as his name and surname in the transfer certificate and the VIII class certificate, which he produced later, did not tally. It is necessary to note that, while in the transfer certificate, the petitioner's name was shown as Neelam, in the VIII class certificate which he produced subsequently, his name is shown as Manjula Neelaiah.

Sri A.Rama Rao, learned counsel for the petitioner would place before this Court an affidavit of the petitioner dated 15.7.1992 to the effect that Manjula Neelaiah and Neelam are

synonyms. According to the learned counsel, the affidavit issued by the I Additional Munsif Magistrate, Srikaulam would bind the respondents.

A perusal of the affidavit would show that the assertion made by the petitioner in the form of the affidavit was affirmed before the I Additional Munsif Magistrate, Srikakulam. This affidavit does not amount to a certificate issued by the I Additional Munsif Magistrate.

Sri A.Rama Rao, learned counsel for the petitioner would contend that if the respondent authorities intended to reject his case on this ground, they should have atleast passed an order and that failure of the respondents in this regard had deprived the petitioner of the opportunity of being reinstated as a conductor on par with persons similarly situated. While this grievance, vehemently put across by the learned counsel, cannot be said to be without basis, it must be taken note of that in the counter affidavit, the respondents have taken a specific plea that the certificates produced by the petitioner did not tally. It was for the petitioner to establish, to the satisfaction of the authorities concerned, that Neelam, whose name is shown in the transfer certificate, is in fact Manjula Neelaiah whose name is shown in the VIII class pass certificate. It is only if it is established that these two names are of the same person, would the petitioner be entitled to claim parity with others whose services were again engaged. Ends of justice would be met if the petitioner is given an opportunity to furnish adequate evidence in this regard. Sri A.Rama Rao, learned counsel for the petitioner, would submit that the petitioner would submit a detailed representation enclosing documentary evidence to establish that Manjula Neelaiaha is the same person whose name is shown as Neelam in the transfer certificate. There shall be a direction to the 3rd respondent to consider the representation in accordance with law and pass appropriate orders thereupon within a period of three months from the date of receipt of the representation.

The writ petition is accordingly disposed of. No costs.

RAMESH RANGANATHAN,J

Dt: 2.3.2007
msv.